

R E M A R K S

The office action of January 25, 2008 has been reviewed and its contents carefully noted. Reconsideration of this case, as amended, is requested. Claims 1 through 8 remain in this case, claims 1 through 8 being amended by this response. No new matter was introduced by these amendments.

The numbered paragraphs below correspond to the numbered paragraphs in the Office Action.

Objection to the Specification

1. The specification was objected to as not being in proper idiomatic English. The specification has been amended to overcome this rejection. A substitute specification is attached. No new matter was introduced by these amendments. Reconsideration and withdrawal of the objection are respectfully requested.

Rejection under 35 U.S.C. §112

3. The claims were rejected as being generally narrative and indefinite. The claims have been amended to overcome this rejection. No new matter has been added. Reconsideration and withdrawal of the rejection are respectfully requested.

Rejections under 35 U.S.C. §103

6. Claims 1, 5, and 7 were rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson (U.S. Patent No. 5,010,704) in view of Gillet (U.S. Patent No. 4,769,961). Applicant respectfully disagrees with the rejection.

Amended independent claim 1 includes, in part, "a plurality of glass hollow tiles ... and a plurality of supporting elements ... comprising a plurality of horizontal supports, each horizontal support having at least one horizontal support recess with a horizontal support mortise along a length of the horizontal support; and a plurality of vertical supports, each vertical support having at least one vertical support recess with a vertical support mortise along a length of the vertical support and at least one vertical support hole extending from a front to a back of the vertical

support; wherein ... **horizontal support recesses align with vertical support holes such that a plurality of threaded fasteners in the horizontal support recesses, the vertical support recesses, and the vertical support holes hold the supports together**” [emphasis added].

Thompson teaches a glass block construction assembly including horizontal (12) and vertical (13) units, where the horizontal units include enlarged, contoured horizontal slat members (20) having apertures (21) whose spacing and dimension are identical to apertures (19) in the vertical wall strip (20). The horizontal slat members also have a pair of ribs (24). The vertical units (13) include elongated, relatively thin, flat, vertical slat members (30) with a longitudinal slot (31) formed in one of the faces (33), where one end (24) of the vertical slat (30) has a foot segment. Thompson teaches horizontal and vertical slats of minimal thickness. Thompson does not teach or suggest holes or recesses in the slats for fasteners and Thompson does not teach or suggest fasteners to hold the slats together.

Gillet does not provide what Thompson lacks. Gillet teaches a structure of building blocks with a fork and a pair of recesses and notches (23) in the top edge of cross-wise walls to receive horizontal rods (24). The notches are deep enough for coating by a binder. Gillet also teaches vertical rods (25). Gillet’s invention relates to building blocks bonded by a binder such as concrete. Gillet’s rods are not fasteners and they are not threaded. There isn’t any similarity between Gillet’s blocks and the supports of Applicant’s claim 1. The threaded fasteners of Applicant’s claim 1 are placed in recesses and holes, while Gillet puts rods onto layers of blocks, fastened by binder. A wall of blocks according to Gillet may be built with or without rods, while a construction unit of Applicant’s claim 1 uses threaded fasteners to create rigid structure embracing glass hollow tiles, without any bonding agent.

Moreover, modifying Thompson with rods similar to Gillet does not produce the invention of amended claim 1, because neither Thompson nor Gillet teach or suggest Applicant’s recesses in the horizontal and vertical supports of claim 1.

Neither Thompson nor Gillet, alone or in combination, teach or suggest amended independent claim 1. Therefore, it is respectfully suggested that claim 1 is not obvious over Thompson in view of Gillet.

Claim 5 includes, in part, “each horizontal support has a length equal to a length of the glass hollow tile and each vertical support hole is situated at a distance from an end of the vertical support equal to a sum of a half height of the hollow tile and a half thickness of the horizontal support”.

Regarding claim 5, the Examiner writes that Thompson teaches “the horizontal fastener has a length equal to the length of the glass tile” [page 6, lines 6-7, present office action, dated January 25, 2008], which is clearly incorrect. Rather, Dimension C [see explanation in column 2, line 67 through column 3, line 3 of U.S. Patent No. 5,010,704] is a dimension of the spacing between the apertures (21), such as dimensions A and B, which means that the length of a slat [see above] must be longer than a spacing between apertures. Thompson does not teach or suggest horizontal supports of equal length to glass hollow tiles. Gillet does not provide what Thompson lacks. Gillet does not teach or suggest glass hollow tiles nor does Gillet teach or suggest fasteners. Gillet instead teaches rods to reinforce binding of blocks. Neither Thompson nor Gillet, alone or in combination, teach or suggest amended claim 5. Therefore, it is respectfully suggested that claim 5 is not obvious over Thompson in view of Gillet.

Claims 5 and 7, being dependent upon and further limiting independent claim 1, should also be allowable for that reason, as well as the additional recitations they contain. Reconsideration and withdrawal of the rejection of claims 1, 5, and 7 are respectfully requested.

7. Claims 2 and 3 were rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson (U.S. Patent No. 5,010,704) in view of Gillet (U.S. Patent No. 4,769,961) and further in view of Loftus (U.S. Patent No. 5,907,937). Applicant respectfully disagrees, and believes the claims, as amended, are patentable over Thompson in view of Gillet, individually and in combination, for the reasons given above in respect to the obviousness rejection of claim 1 from which claims 2 and 3 depend. The argument above as to the non-obviousness of claim 1 is repeated here by reference.

Regarding claim 1, Loftus does not provide what Thompson and Gillet lack. Loftus teaches a block wall construction system with interstitial junction spacers for positioning and supporting blocks. Loftus does not teach or suggest holes or recesses in horizontal or vertical supports for fasteners, and Loftus does not teach or suggest fasteners to hold the slats together.

None of Thompson, Gillet, or Loftus, alone or in combination, teach or suggest amended independent claim 1. Therefore, it is respectfully suggested that claim 1 is not obvious over Thompson in view of Gillet and further in view of Loftus.

Amended claim 2 includes, in part, “a plurality of profiled slats having a slat width greater than a width of the horizontal supports or a width the vertical supports, each slat inserting into a groove running along a length of the horizontal support or the vertical support”.

The Examiner admits that Thompson as modified by Gillet does not teach or suggest profiled slats with edges extending beyond lateral edges of supports. In the Examiner’s opinion, Loftus’ intermediate junction spacers 31 are profiled slats. It should be pointed out, however, that the word “slats” is used by the Examiner on the basis of Fig. 14 only. Neither the description nor the claims of Loftus use this word for spacers 31, and it has nothing similar to slats as described in Applicant’s claim 2. Applicant’s slats of claim 2 cover the side of the supports and spaces between the supports and glass tiles. Therefore Loftus does not teach or suggest the slats of Applicant’s claim 2. None of Thompson, Gillet, or Loftus, alone or in combination, teach or suggest amended claim 2. Therefore, it is respectfully suggested that claim 2 is not obvious over Thompson in view of Gillet and further in view of Loftus.

Claims 2 and 3, being dependent upon and further limiting independent claim 1, should also be allowable for that reason, as well as the additional recitations they contain. Reconsideration and withdrawal of the rejection of claims 2 and 3 are respectfully requested.

8. Claim 4 was rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson (U.S. Patent No. 5,010,704) in view of Gillet (U.S. Patent No. 4,769,961) and further in view of Hase (U.S. Patent No. 5,606,840). Applicant respectfully disagrees, and believes the claims, as amended, are patentable over Thompson in view of Gillet, individually and in combination, for the reasons given above in respect to the obviousness rejection of claim 1 from which claim 4 depends. The argument above as to the non-obviousness of claim 1 is repeated here by reference.

Regarding claim 1, Hase does not provide what Thompson and Gillet lack. Hase teaches a panel assembly. Although Hase teaches holes in supports for attachment means, all of the

attachment means are oriented perpendicularly to the plane of the wall, whereas the fasteners of Applicant's claim 1 are parallel to the plane of the wall. Hase does not teach or suggest recesses for fasteners running along the length of supports.

Modifying Thomson by Gillet and further by Hase, as the Examiner suggests in rejecting claim 4, is not possible. It is especially not possible to join the Thomson slats with stud-bolts and nuts placed like that in Hase. Such stud-bolts are useless for blocks bonded with binder such as concrete as in Gillet. Stud-bolts and nuts acting perpendicularly to the wall are useless as fasteners for any combination or modification of Thomson and Gillet. Therefore no one skilled in the art would combine Thomson, Gillet, and Hase.

None of Thompson, Gillet, or Hase, alone or in combination, teach or suggest amended independent claim 1. Therefore, it is respectfully suggested that claim 1 is not obvious over Thompson in view of Gillet and further in view of Hase. Claim 4, being dependent upon and further limiting independent claim 1, should also be allowable for that reason, as well as the additional recitations it contains. Reconsideration and withdrawal of the rejection of claim 4 are respectfully requested.

9. Claim 6 was rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson (U.S. Patent No. 5,010,704) in view of Gillet (U.S. Patent No. 4,769,961) and further in view of Wirkus (U.S. Patent No. 5,740,646). Applicant respectfully disagrees, and believes the claims, as amended, are patentable over Thompson in view of Gillet, individually and in combination, for the reasons given above in respect to the obviousness rejection of claim 1 from which claim 6 depends. The argument above as to the non-obviousness of claim 1 is repeated here by reference.

Regarding claim 1, Wirkus does not provide what Thompson and Gillet lack. Wirkus teaches a glass brick wall. Wirkus does not teach or suggest holes or recesses in horizontal or vertical supports for fasteners, and Wirkus does not teach or suggest fasteners to hold supports together. None of Thompson, Gillet, or Wirkus, alone or in combination, teach or suggest amended independent claim 1. Therefore, it is respectfully suggested that claim 1 is not obvious over Thompson in view of Gillet and further in view of Wirkus.

Amended claim 6 includes, in part, “a plurality of distance pads, each distance pad being mounted in a front section between a side surface of the vertical support and a frontal surface of the horizontal support to form an arched profiled wall”.

The Examiner admits that Thompson as modified by Gillet does not teach or suggest distance pads. The Examiner regards distance element 31 of Wirkus, which can be clearly seen on Fig. 7(B) of Wirkus to be used to construct a curved wall. Applicant’s claim 6 describes straight distance pads in the form of tongues, mounted between a side surface of a vertical fastener and a frontal surfaces of a horizontal fastener, which means that the distance pads in the form of tongues are mounted vertically, effecting in the wider space between the edges of the adjacent tiles from one side of the wall and narrow space between the same adjacent tiles on the opposite side of the wall. Wirkus elements 31 are part of a central portion, curved and placed alongside the wall [see Figs. 7(B) and 8 of Wirkus]. Therefore, they have nothing in common with the distance pads of Applicant’s claim 6.

None of Thompson, Gillet, or Wirkus, alone or in combination, teach or suggest amended claim 6. Therefore, it is respectfully suggested that claim 6 is not obvious over Thompson in view of Gillet and further in view of Wirkus. Claim 6, being dependent upon and further limiting independent claim 1, should also be allowable for that reason, as well as the additional recitations it contains. Reconsideration and withdrawal of the rejection of claim 6 are respectfully requested.

Allowable Subject Matter

10. Claim 8 was objected to as being dependent upon a rejected base claim, but the Examiner indicated that they would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Independent claim 1, upon which claim 8 depends, should now be allowable. Dependent claim 8, being dependent upon and further limiting independent claim 1, should also be allowable for that reason, as well as for the additional recitations it contains. Reconsideration and withdrawal of the objection of claim 8 are respectfully requested.

Conclusion

Applicant believes the claims, as amended, are patentable over the prior art, and that this case is now in condition for allowance of all claims therein. Such action is thus respectfully requested. If the Examiner disagrees, or believes for any other reason that direct contact with Applicant's attorney would advance the prosecution of the case to finality, he is invited to telephone the undersigned at the number given below.

"Recognizing that Internet communications are not secured, I hereby authorize the PTO to communicate with me concerning any subject matter of this application by electronic mail. I understand that a copy of these communications will be made of record in the application file."

Respectfully Submitted:
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